

DESIGNATION OF NEAH BAY SCENIC BYWAY AS STATE SCENIC BYWAY

BRIEFING PAPER

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Prepared by

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PURPOSE:

The purpose of this agenda item is to ask that the Commission adopt a resolution designating the Neah Bay Scenic Byway as a State Scenic Byway

ACTION/OUTCOME:

As addressed in RCW 47.39, Washington state scenic byways are designated for the significant scenic, natural, cultural, recreational, historic or archaeological resources found along their corridors.

This Commission action will recognize the twelve-mile Neah Bay Scenic Byway, from the reservation boundary, through Neah Bay to Cape Flattery, as part of the state system of scenic byways, and the first tribal byway to receive such recognition (see attached). This action will also allow the Makah Tribal Council to apply for planning funds from the National Scenic Byway Program. The criteria used by the Makah Tribal Council to designate this tribal route, meets the requirements specified in RCW 47.39.

BACKGROUND:

In January of 2002, The Makah Tribal Council requested that the Transportation Commission designate the Neah Bay Scenic Byway as a state scenic byway. Heritage Corridors Program and Makah Tribal Transportation staff briefed the Commission on this request at the March 2002 Commission meeting.

The most significant resources along the Neah Bay Scenic Byway are:

- The Makah Cultural and Research Center, home of artifacts found at the ancient Ozette Village site (Ozette Village is recognized as one of the premier archaeological sites of the 20th century).
- The fishing village of Neah Bay, the heart of present day cultural, and recreational events and the tribe's seafaring economy.
- The rugged scenic beauty of the Pacific coastline and Cape Flattery.
- The abundance of natural resources found in the Sitka Spruce and Western Red Cedar forests on the reservation.

This designation of the Neah Bay Scenic Byway as a Tribal and State Scenic Byway are a model of cooperation and true government-to-government relations. This action by the Commission will be the first of its kind in the state of Washington and in the nation. This action also helps the Department meet the intent of the state's 1989 Centennial Accord.

The recent *Tribal Tourism* publication prepared by the Governor's Office of Indian Affairs identifies the Makah Tribe as having an interest in both economic development and tourism enhancement.

DISCUSSION:

There has been significant confusion in the general public about the meaning of becoming a state scenic byway and what that entails. Several key points made by the Department verbally and on web site postings seems appropriate.

- When any route becomes part of the "state system of scenic byways" as provided for in RCW 47.39 they do not become a state highway. The road jurisdiction remains in the same ownership. In this case, the Neah Bay Scenic Byway will remain in Makah tribal jurisdiction.
- The Makah Tribal Council is not requesting to become an extension of the existing SR 112 Straits of Juan de Fuca Highway. The Makah Tribal Council had previously considered becoming an extension of SR 112 Straits of Juan de Fuca Highway, but when local support for that action was not clear, the Tribal Council decided against pursuing extension.

During the public involvement process for this request, the issue of whale hunting by the Tribe has been raised as a reason to deny the request. Based on the criteria for what makes a scenic byway eligible for designation, especially a route like this that is rich in resources history, we believe the issue of whale hunting is a separate matter and should not be a determining factor in making the decision to designate this highway.

RECOMMENDATION:

The Commission adopt the Resolution.

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